

EXHIBIT A

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1 COM
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CASE NO: A-21-838729-C
Department 13

7 EIGHTH JUDICIAL DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 RAYMOND OUTLAW, an individual;

10 Plaintiff,

Case No:

11 vs.

Dept. No:

12 NUMOTION USA, LLC, DOE
13 MECHANIC; DOES I – X individuals,
14 inclusive; ROE CORPORATIONS I – X,
15 inclusive.

**PLAINTIFF'S COMPLAINT AND
DEMAND FOR JURY TRIAL**

(Arbitration Exemption Claimed: Value
in Excess of \$15,000.00)

16 Defendants.

17 COMES NOW, Plaintiff, RAYMOND OUTLAW, by and through his counsel, Michael G.
18 Trippiedi, Esq., of Zaman & Trippiedi, PLLC., and for a cause of action against the Defendants, and
19 each of them, for damages and injuries sustained on or about August 1, 2019, alleges, on information
20 and belief, and avers as follows:

21 **PARTIES, JURISDICTION, AND VENUE**

22 1. That Plaintiff, RAYMOND OUTLAW, (hereinafter, "Plaintiff") is and was at all
23 times relevant, a resident of Clark County, Nevada.

24 2. That upon information and belief, Defendant, NUMOTION USA, LLC, (hereinafter,
25 "NUMOTION") is and was at all times relevant, a domestic limited liability company organized and
26 operating under the State of Nevada and duly authorized to conduct business Clark County, State of
27 Nevada.

28 . . .

3. That upon information and belief, Defendant, DOE MECHANIC, (hereinafter "MECHANIC") is and was at all times relevant, a resident of Clark County, Nevada.

3 4. That Defendants DOE INDIVIDUALS I-X, and ROE CORPORATIONS I-X,
4 whether individual, corporate, associates or otherwise, are fictitious names of Defendants whose true
5 names and capacities, at this time, are unknown to Plaintiff. Plaintiff is informed and believes and
6 alleges that at all relevant times, DOE INDIVIDUALS I-X were an agent, servant, and/or employee
7 of Defendants, and in doing things hereinafter mentioned was acting within the scope of his/her
8 authority as such an agent, servant, and/or employee, and with the permission and consent of his
9 Defendants; and that each of said fictitiously named Defendants, whether an agent, corporation,
10 association, or otherwise, is in some way liable or responsible to the Plaintiff on the facts alleged
11 herein, and proximately caused injures and damages to Plaintiff. At such time as Defendants' true
12 names become known to Plaintiff, Plaintiff will ask leave of this Court to amend this Complaint to
13 insert said true names and capacities.

14 5. The District Courts of Nevada have subject matter jurisdiction over this matter
15 because this action concerns issues of Nevada law.

16 6. That the damages complained of are in an amount sufficient to invoke the jurisdiction
17 of this Court, though not yet fully ascertained, said damages complained of are in excess of Fifteen
18 Thousand Dollars (\$15,000.00).

FACTUAL ALLEGATIONS

20 1. Plaintiff has needed the assistance of a wheelchair since he was twenty-two (22), when
21 he was involved in an unrelated motor vehicle accident. As a result of the injuries he sustained in that
22 accident, Plaintiff is a paraplegic and relies heavily on his motorized wheelchair to meet his basic
23 needs.

24 2. On or about April 19, 2019, Plaintiff took his motorized wheelchair to NUMOTION
25 for evaluation regarding its general condition. Plaintiff was familiar with NUMOTION because they
26 had done previous repair and maintenance work on his wheelchair.

1 3. After evaluating the state of the wheelchair, NUMOTION determined that the
2 wheelchair was in need of significant repairs, including, but not limited to, repairs to the wheelchair's
3 motor, wiring, battery, joystick, and cosmetic appearance.

4 4. At NUMOTION's recommendation, Plaintiff agreed to allow NUMOTION to take
5 possession of the wheelchair to make the necessary repairs.

6 5. Or about May 30, 2019, after more than a month had passed, the Defendants indicated
7 to Plaintiff that it had completed repairs and returned the wheelchair to his possession.

8 6. On or about August 1, 2019, the control panel Defendants had repaired became
9 dislodged from the wheelchair and fell into Plaintiff's lap.

10 7. This caused Plaintiff to fall forward onto the ground.

11 8. As Plaintiff was falling, he attempted to catch himself by reaching out with his right
12 hand. However, the force and angle of his fall resulted in Plaintiff suffering multiple fractures to his
13 right hand.

14 9. After receiving treatment for his injuries, Plaintiff no longer had an operable
15 wheelchair at his disposal.

16 10. Plaintiff contacted the Defendants after his fall on August 1, 2019, requesting that
17 they correct the defective repairs that caused his injuries.

18 11. NUMOTION declined to preform any repairs to the wheelchair unless Plaintiff agreed
19 to take no legal action against them for the injuries he sustained during the August 1, 2019 fall.

20 12. Plaintiff declined to guarantee that he would not bring legal action seeking
21 compensation for his injuries, and, as a result, he was left without an operable wheelchair.

22 13. On August 8, 2019, while the Plaintiff was still recovering from his earlier injuries,
23 and without an operable wheelchair, he suffered another fall that resulted in fractures to his leg.

24 14. As a result of the Defendants failure to properly perform the repairs to Plaintiff's
25 wheelchair, Plaintiff suffered personal injuries and other damages, the full extent and nature of which
26 are still not fully known.

27 15. As a result of Defendants' actions, Plaintiff has suffered known and ongoing medical
28 damages, the extent and nature of which are still not fully known.

16. As a further direct and proximate result of the aforesaid negligence of Defendants and each of them, Plaintiff has incurred property damage and other incidental damages in a sum to be determined at the time of trial.

17. As a result of Defendants' actions Plaintiff has been forced to retain counsel to pursue his interest in this matter.

**FIRST CAUSE OF ACTION:
NEGLIGENCE**

(Against All Defendants)

18. Plaintiff incorporates by reference each of the allegations set forth in the preceding paragraphs as if fully set forth herein.

19. That at all relevant times, the Defendants owed Plaintiff a duty of reasonable care to
ensure that the repairs preformed on Plaintiff's wheelchair were completed, correct, and adequate.

12 20. That the Defendants acted negligently by failing to ensure the repairs to Plaintiff's
13 wheelchair were preformed correctly.

14 21. That the Defendants failed to undertake reasonable actions to ensure their repairs and
15 safeguard Plaintiff against possible injuries.

16 22. That the Defendants failure to act reasonably and responsibly to ensure their repairs
17 directly and proximately resulted in Plaintiff suffering significant injuries.

18 23. That as a result of Defendants negligence, Plaintiff suffered significant personal
19 injuries the full extent and nature of which are still not fully known, but are in excess of \$15,000.00.

20 24. As a further direct and proximate result of the aforesaid negligence of the Defendants
21 and each of them, Plaintiff has incurred property damage and other incidental damages in a sum to
22 be determined at the time of trial.

23 25. As a result of Defendants conduct, Plaintiff has been required to retain the Law
24 Offices of ZAMAN & TRIPPIEDI to prosecute this action, and are entitled to recover attorney's
25 fees, case costs and prejudgment interest.

**SECOND CAUSE OF ACTION:
BREACH OF IMPLIED WARRANTY**

(Against All Defendants)

26. Plaintiff incorporates by reference each of the allegations set forth in the preceding paragraphs as if fully set forth herein.

27. That the Defendants impliedly warranted to Plaintiff that the work performed on his wheelchair was done in a good and workmanlike manner, in full accordance with their agreement with the Plaintiff to preform such work.

8 28. Plaintiff believes that in accordance with Nevada Revised Statute 104.2314 the
9 Defendants breached their implied warranty to Plaintiff because the repairs made to the wheelchair
10 were inadequate, not fit for their intended purpose, and/or failed to comport to the standard that the
11 Defendants agreed to when they undertook said repairs.

12 29. Plaintiff believes that the Defendants were at all times relevant, fully aware of the
13 breach of their implied warranty for the repair of the wheelchair.

14 30. As a direct and proximate result of the Defendants' breach of the aforesaid implied
15 warranty, Plaintiff suffered significant personal injuries the full extent and nature of which are still
16 not fully known but are in excess of \$15,000.00.

17 31. As a further direct and proximate result of the aforesaid negligence of the Defendants
18 and each of them, Plaintiff has incurred property damage and other incidental damages in a sum to
19 be determined at the time of trial.

20 32. As a result of Defendants conduct, Plaintiff has been required to retain the Law
21 Offices of ZAMAN & TRIPPIEDI to prosecute this action, and are entitled to recover attorney's
22 fees, case costs and prejudgment interest.

THIRD CAUSE OF ACTION:
NEGLIGENCE, RETENTION, AND SUPERVISION

(Against NUMOTION)

25 33. Plaintiff incorporates by reference each of the allegations set forth in the preceding
26 paragraphs as if fully set forth herein.

27 34. NUMOTION was negligent in its hiring, training, supervision, and/or retention of
28 DOE MECHANIC at all times relevant herein.

1 35. NUMOTION knew or reasonably should have known that DOE MECHANIC was
2 engaging in wrongful protocol and/or maintenance in regard to the repair of Plaintiff's wheelchair,
3 and should not have been placed in a position responsible for such repairs.

4 36. DOE MECHANIC engaged in deficient and/or negligent work when conducting and
5 ensuring the repairs to Plaintiff's wheelchair.

6 37. At all relevant times, NUMOTION knew or reasonably should have known that DOE
7 MECHANIC was carrying out the repairs to Plaintiff's wheelchair in a deficient and/or negligent
8 manner.

9 38. At all relevant times, NUMOTION knew or reasonably should have known that the
10 conduct of DOE MECHANIC would and did proximately result in injuries and damages to Plaintiff.

11 39. At all material times, NUMOTION knew, or in the exercise of reasonable care should
12 have known and could have reasonably foreseen, that unless NUMOTION intervened to protect
13 Plaintiff or to adequately supervise, control, regulate, train, discipline, and/or otherwise penalize the
14 conduct, acts, and failures to act, of DOE MECHANIC that such conduct would subject Plaintiff to
15 injury.

16 40. At all times NUMOTION had the power, ability, authority and duty to intervene,
17 supervise, train, prohibit, control, regulate, discipline and/or penalize the conduct and/or terminate
18 the employment of DOE MECHANIC.

19 41. NUMOTION willfully, recklessly, and/or negligently failed to act so as to prevent,
20 supervise, train, prohibit, control, regulate, discipline, and/or penalize such conduct, acts and failures
21 to act, of DOE MECHANIC that resulted in significant injuries to Plaintiff.

22 42. NUMOTION willfully, reckless, and/or negligently retained DOE MECHANIC
23 while it knew or should have known DOE MECHANIC was unfit for their position.

24 43. As a direct and proximate result of NUMOTION acts or failure to act to supervise or
25 train its agents and employees, and its retention of DOE MECHANIC, Plaintiff has suffered and
26 continues to suffer physical bodily harm, and has incurred and continues to incur special, general,
27 and compensatory damages in an amount in excess of \$15,000.00.

28

1 44. As a further direct and proximate result of the aforesaid negligence of NUMOTION,
2 Plaintiff has incurred property damage and other incidental damages in a sum to be determined at the
3 time of trial.

4 44. Pursuant to NRS 41.130, or alternatively, under the doctrine of "respondent superior"
5 NUMOTION are liable to Plaintiff for DOE MECHANIC wrongful and tortious acts.

6 45. As a result of Defendants conduct, Plaintiff has been required to retain the Law
7 Offices of ZAMAN & TRIPPIEDI to prosecute this action, and are entitled to recover attorney's
8 fees, case costs and prejudgment interest.

PRAYER FOR RELIEF

10 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 11 1. For a judgment against Defendants;

12 2. For all damages as allowed by law including compensatory, general, and special

13 damages in an amount to be fully determined at trial;

14 3. For reasonable attorney's fees and costs incurred in this action;

15 4. For pre-judgment and post-judgment interest; and

16 5. For any other and further relief as the court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, by and through his attorneys of record, ZAMAN & TRIPPIEDI, PLLC., hereby demands a jury trial for all of the issues in the above matter.

DATED this 29th day of July, 2021.

/s/ Michael Trippiedi
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Nevada State Bar No. 13973
MICHAEL Z. STANNARD, ESQ.
Nevada State Bar No. 14624
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